

REMARKS

Claims 1-50 are pending are this application, of which claims 1-50 are amended herein to address specific points of informality indicated in the Examiner's Action and to generally place the claims in overall compliance with U.S. practice. The Applicant has carefully and thoughtfully considered the Office Action and the comments therein. Each of the pending claims is believed to define an invention that is novel and unobvious over the cited references. Based on the following remarks, it is respectfully submitted that the instant application is in condition for allowance. Prompt reconsideration and withdrawal of the rejections is earnestly requested.

Interview

The agent of the undersigned contacted the Examiner on July 19, 2007 to discuss the entry of the Preliminary Amendment dated May 10, 2005, and it was agreed that the Examiner would issue a supplemental office action. Applicants thank the Examiner for her consideration and the issuance of the supplemental office action.

Claim Objections

On page 2 of the Office Action, claim 42 is objected because the phrase "the storage means" does not have sufficient antecedent basis. Applicants have amended claim 42 to address this deficiency. Reconsideration of claim 42 is respectfully requested.

Rejection under 35 U.S.C. § 112

Continuing on page 2 of the Office Action, claims 18 and 39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action states that the phrase "or the like" renders claims 18 and 39 unascertainable. Applicants have accordingly amended claims 18 and 39 to address this deficiency.

Reconsideration of claims 18 and 39 and allowance thereof is respectfully requested.

Rejection under 35 U.S.C. § 102

On pages 3-9 of the Office Action, claims 1-4, 6-16, 18-19, 21-22, 24 and 26-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,246,778 to Moore “(Moore)”. Independent claims 1-4, 6-16, 18-19, 21-22, 24 and 26-50 have been herein amended. It is respectfully submitted that the amended claims 1-4, 6-16, 18-19, 21-22, 24 and 26-50 are allowable over Moore. Reconsideration of claims 1-4, 6-16, 18-19, 21-22, 24 and 26-50 and withdrawal of the rejection thereof is respectfully requested.

Independent claim 1 has been amended to recite, “An article including a mark for identification of the article, wherein the mark comprises ***a non-predetermined random identifier comprising at least one feature peculiar to the article itself.***” (emphasis added). It is respectfully submitted that this amendment does not constitute new matter as evident from the following discussion. This feature is neither taught nor suggested by Moore. Accordingly, it is respectfully submitted that Moore fails to anticipate claim 1.

As described in the Specification, an article of manufacture includes patterns and features that are unique and peculiar to the article and result from the manufacture of the article itself. Rather than printing a barcode, a serial number, or other predetermined identifier on the article, which can be easily copied for the purposes of counterfeiting, embodiments of the present invention use non-predetermined random patterns and features as an identifier for the article. These random patterns and features are used to uniquely identify the article in a similar manner that, for example, a human fingerprint is used to identify one person from another. In other words, every packaging of the article provides its own individual mark for identification. *See Specification, page 2, line 24-28.*

By way of illustration, as shown in FIG. 1 of the present invention, the mark 14 includes a random identifier 15, which is peculiar to the package. *See Specification, page 7, lines 21-23.* The random identifier 15, in this case, is composed of a random distribution of luminophores 16 mixed into the fibers of the folded box 11 as particles, pigments or filaments. *See Specification, page 7, line 27 to page 8, line 2.* The random distribution of luminophores is not only not determined in advance, but once mixed with and set into the

fiber of the article, becomes unique and peculiar to the article, thus distinguishing the article from any other article, just as human fingerprint distinguishes one person from another.

Similarly, in alternative embodiments, the random identifier 15 may be, for example, a side seam 25 as shown in FIG. 9. *See Specification, page 9, line 28-29.* The random identifier 15 can also be a gap width in the region of the hinged lid of the package 10, the cutting edges c and d, wave patterns 28, or contact surfaces 29 at the junction of the wrapping 12, as shown in FIG. 10. *See Specification, page 10, lines 5-8.* In yet another embodiment, the random identifier 15 can be a distribution of luminophores on a label 22 placed on the article, or a distribution of luminophores on the code 17 printed on the article. *See FIGs. 4 and 5.* In all these embodiments, the described and claimed random identifier is a non-predetermined feature that is peculiar and unique to the article itself.

Moore does not teach a mark comprising “*a non-predetermined random identifier comprising at least one feature peculiar to the article itself,*” as recited in claim 1 (emphasis added). Moore merely teaches a mark that is printed on the article using printing systems 16’, 16”, and 16””. *Moore, Col. 10, lines 16-30.* The fact that in Moore the mark is printed on the article **inherently requires Moore’s mark to have a predetermined shape or pattern.** Thus, no matter how unique the mark created by the Moore’s system, it is not a non-predetermined random identifier. Accordingly, Moore fails to anticipate claim 1.

In fact, although Moore allows unique identification of the articles, it is highly vulnerable to the security threats pointed out in the background section of the present application. Namely, since the mark is printed on the article, it can be copied and is thus susceptible to counterfeiting. *See Specification, page 2, lines 2-11.* In the present claim, however, the “mark comprises *a non-predetermined random identifier comprising at least one feature peculiar to the article itself,*” as recited in claim 1 (emphasis added). Thus, the article is secure against copying for the purposes of counterfeiting.

Accordingly, it is respectfully submitted that claim 1 is patentably distinct over Moore. Withdrawal of the rejection of claim 1 and allowance thereof is respectfully requested.

Independent claims 19 and 37 have been amended to similarly recite a “non-predetermined random identifier comprising at least one feature peculiar to the article itself.”

Claims 31 and 47 have similarly been amended. Thus, for similar reasons as claim 1, it is respectfully submitted that independent claims 19, 31, 37 and 43 are allowable over Moore. Withdrawal of the rejection of claims 19, 31, 37 and 43 and allowance thereof is respectfully requested.

Claims 2-4, 6-16, 18, 21-22, 24, 26-30, 32-36, 38-42 and 44-50 are dependent variously on claims 19, 31, 37 and 43 and are submitted as allowable over Moore for at least the same reasons. Withdrawal of the rejection of claims 2-4, 6-16, 18, 21-22, 24, 26-30, 32-36, 38-42 and 44-50 and allowance thereof is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 5, 20 and 25

On pages 9-11 of the Office Action, claims 5, 20 and 25 are rejected under 35 U.S.C. § 103(a) as being obvious over Moore in view of U.S. Patent No. 6,456,729 to Moore ("Moore II"). This rejection is traversed in light of the amendments to independent claims 1 and 19.

Claims 5, 20 and 25 depend variously on independent claims 1 and 19. Thus, for at least the reasons provided above, claims 5, 20 and 25 are submitted as allowable over Moore. Moore II fails to cure the deficiencies of Moore in teaching the claimed features discussed above. Specifically, Moore II does not teach "***a non-predetermined random identifier comprising at least one feature peculiar to the article itself,***" as recited in claim 1 (emphasis added). Although Moore II teaches creating marks from florescent compounds, the florescent compound is still printed on the article and **is not a non-predetermined random identifier** comprising a feature peculiar to the article itself. *Moore II*, Col. 19, lines 2-5. Thus, Moore II fails to cure the deficiencies of Moore to establish a case of obviousness under 35 U.S.C. § 103(a). Accordingly, claims 5, 20 and 25 are submitted as allowable over Moore in view of Moore II. Withdrawal of the rejection of claims 5, 20 and 25 and allowance thereof is respectfully requested.

Claim 17

On page 11 of the Office Action, claim 17 is rejected under 35 U.S.C. § 103(a) as being obvious over Moore in view of U.S. Patent No. 6,155,025 to Komiya et al. ("Komiya").

This rejection is traversed in light of the amendments to independent claim 1.

Claim 17 depends on independent claim 1. Thus, for at least the reasons provided above, claim 17 is submitted as allowable over Moore. Komiya fails to cure the deficiencies of Moore in teaching the claimed features discussed above. Specifically, Komiya does not teach “*a non-predetermined random identifier* comprising at least one feature peculiar to the article itself,” as recited in claim 1 (emphasis added). In fact, the Action relies on Komiya merely for its alleged teachings of a link number on the secondary packaging. Thus, Komiya fails to cure the deficiencies of Moore to establish a case of obviousness under 35 U.S.C. § 103(a). Accordingly, claim 17 is submitted as allowable over Moore in view of Komiya. Withdrawal of the rejection of claim 17 and allowance thereof is respectfully requested.

Claim 23

On page 12 of the Office Action, claim 23 is rejected under 35 U.S.C. § 103(a) as being obvious over Moore in view of U.S. Patent No. 6,243,615 to Neway et al. (“Neway”). This rejection is traversed in light of the amendments to independent claim 19.

Claim 23 depends on independent claim 19. Thus, for at least the reasons provided above, claim 23 is submitted as allowable over Moore. Neway fails to cure the deficiencies of Moore in teaching the claimed features discussed above. Specifically, Neway does not teach “detecting *a non-predetermined random* identifier comprising at least one feature peculiar to the article itself,” as recited in claim 19 (emphasis added). In fact, the Action relies on Komiya merely for its alleged teachings of a data compression before storing in a data bank. Thus, Neway fails to cure the deficiencies of Moore to establish a case of obviousness under 35 U.S.C. § 103(a). Accordingly, claim 23 is submitted as allowable over Moore in view of Neway. Withdrawal of the rejection of claim 23 and allowance thereof is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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